

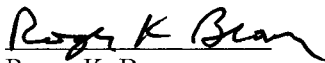
Date February 23, 2009

An Ordinance entitled, "AN ORDINANCE vacating portions of the 13th Street right-of-way between Grand Avenue and relocated High Street; portions of the High Street right-of-way between 11th and 12th Streets; all the alley rights-of-way within the area bounded by Grand Avenue, 11th, 14th and relocated High Streets; portions of the air rights for a pedestrian bridge over 12th Street north of Grand Avenue; and portions of the air rights over and subsurface rights under the adjoining public rights-of-way for building encroachments and a duct bank across 12th Street,"

is presented.

MOVED by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:



Roger K. Brown  
Assistant City Attorney

C:\rog\eco Dev\wellmark\admin\closing\RC & Ord - Subsurface esmts v2.doc

(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

59A

Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309  
 515/283-4541

Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309

Taxpayer: No change

Title of Document: Ordinance No. \_\_\_\_\_

Grantor's Name: City of Des Moines, Iowa

Grantee's Name: City of Des Moines, Iowa

Legal Description: See below on this page.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating portions of the 13th Street right-of-way between Grand Avenue and relocated High Street; portions of the High Street right-of-way between 11th and 12th Streets; all the alley rights-of-way within the area bounded by Grand Avenue, 11th, 14th and relocated High Streets; portions of the air rights for a pedestrian bridge over 12th Street north of Grand Avenue; and portions of the air rights over and subsurface rights under the adjoining public rights-of-way for building encroachments and a duct bank across 12th Street.

DESCRIPTION APPROVED



*[Signature]*  
 02/14/2009 cp-cst

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That portions of the 13th Street right-of-way between Grand Avenue and relocated High Street; portions of the High Street right-of-way between 11th and 12th Streets; all the alley rights-of-way within the area bounded by Grand Avenue, 11th, 14th and relocated High Streets; portions of the air rights for a pedestrian bridge over 12th Street north of Grand Avenue; and

portions of the air rights over and subsurface rights under the adjoining public rights-of-way for building encroachments and a duct bank across 12th Street, all as more specifically described below, be and are hereby vacated:

- A. Any remaining street or alley rights-of-way, if any, within Parcels "C" and "G" as shown by those Plats of Survey signed by Dave L. Joens, PLS, on March \_\_\_\_, 2009, and recorded in the office of the Recorder of Polk County, Iowa, on \_\_\_\_\_, 2009, in Book \_\_\_\_\_, at Page \_\_\_\_\_, and described below:

**PARCEL "C":**

A PART OF LOT 2 OF BLOCK 1 IN SMITH'S ADDITION TO FORT DES MOINES, BEING AN OFFICIAL PLAT AND ALL OF LOTS 1, 2, 3, 4 IN WILLIAMS AND SLY'S SUBDIVISION, BEING AN OFFICIAL PLAT, AND A PART OF LOTS 28, 29, 31 IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF LOT 6 & ALL OF LOT 7 ROSE'S ADDITION, BEING AN OFFICIAL PLAT AND ALL OF LOT 1 AND A PART OF LOTS 2, 3, 4, 5 OF BLOCK 58 CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, BEING AN OFFICIAL PLAT, AND PARCELS "A", "B" AS SHOWN ON A PLAT OF SURVEY, RECORDED IN BOOK 12642, PAGE 894 IN THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS

**FOLLOWS:**

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 OF FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "A" AND TO THE POINT OF BEGINNING; THENCE NORTH 34°03'39" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL "A", 13.09 FEET TO A CORNER ON THE NORTHERLY LINE OF SAID PARCEL "A"; THENCE NORTH 83°10'52" EAST CONTINUING ALONG SAID NORTHERLY LINE, 273.07 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH 15°27'41" EAST ALONG THE EAST LINE OF SAID PARCEL "A" AND ALONG THE WEST RIGHT-OF-WAY LINE OF 11TH STREET AND ALONG THE EAST LINE OF SAID PARCEL "B" AND THE EAST LINE OF SAID LOT 2 OF BLOCK 58 CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES 236.84 FEET TO THE NORTHEASTERLY CORNER OF PARCEL 3 AS RECORDED IN AN ACQUISITION PLAT RECORDED IN BOOK 12642, PAGE 892-893; THENCE SOUTH 74°10'40" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL 3 AND ALONG THE SOUTH LINE OF SAID PARCEL "B" AND ALONG THE NORTHERLY LINE OF PARCEL 4 OF SAID ACQUISITION PLAT RECORDED IN BOOK 12642, PAGE 892-893, A DISTANCE OF 281.83 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 4; THENCE NORTH 15°03'34" WEST ALONG THE WEST LINE OF SAID LOT 5 AND ALONG THE WEST LINE OF SAID PARCEL "B" AND ALONG THE WEST LINE OF SAID LOT 4 OF WILLIAMS AND SLY'S SUBDIVISION AND ALONG THE WEST LINE OF SAID PARCEL "A", 271.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.67 ACRES (72,709 S.F.).

**PARCEL "G":**

ALL OF LOTS 29, 32, 33, 34, 45 AND A PART OF LOTS 28, 30, 31, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49 ALL IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, AND ALL OF LOTS 1, 4, 5, 6 AND A PART OF LOTS 2, 3 ALL IN CASCADE PLACE,

BEING AN OFFICIAL PLAT AND ALL OF PARCELS "C", "D", "E", "F" AS SHOWN ON A PLAT OF SURVEY, RECORDED IN BOOK 12642, PAGE 894 IN THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 28; THENCE NORTH 0° (DEGREES) 05' (MINUTES) 30" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 28, A DISTANCE OF 4.16 FEET TO THE NORTHWESTERLY CORNER OF PARCEL 7 AS SHOWN IN AN ACQUISITION PLAT RECORDED IN BOOK 12642, PAGE 892 - 893 AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°05'30" WEST ALONG SAID WEST LINE OF LOT 5 AND ALONG THE WEST LINE OF SAID LOTS 29, 32, 33, 34, 35 AND PARCEL "E", 389.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE; THENCE NORTH 61°01'55" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 7.11 FEET TO THE SOUTHWEST CORNER OF PARCEL 10 OF SAID ACQUISITION PLAT RECORDED IN BOOK 12642, PAGE 892 - 893; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 10 AND ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 510.00 FEET, WHOSE ARC LENGTH IS 88.86 FEET AND WHOSE CHORD BEARS NORTH 78°11'23" EAST, 88.75 FEET TO A CORNER ON SAID SOUTH LINE OF PARCEL 10; THENCE NORTH 83°10'52" EAST CONTINUING ALONG SAID SOUTH LINE OF PARCEL 10 AND ALONG THE NORTH LINE OF SAID PARCEL "D" AND ALONG THE SOUTH LINE OF PARCEL 8 OF SAID ACQUISITION PLAT RECORDED IN BOOK 12642, PAGE 892 - 893 AND ALONG THE NORTH LINE OF SAID PARCEL "F", 433.51 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "F"; THENCE SOUTH 0°19'36" WEST ALONG THE EAST LINE OF SAID PARCEL "F", 5.38 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "F"; THENCE SOUTH 89°40'24" EAST ALONG THE NORTH LINE OF SAID LOT 43, A DISTANCE OF 15.00 FEET; THENCE SOUTH 81°15'20" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF HIGH STREET, 42.95 FEET TO THE NORTHWEST CORNER OF PARCEL 9 OF SAID ACQUISITION PLAT RECORDED IN BOOK 12642, PAGE 892 - 893; THENCE SOUTH 18°47'39" EAST ALONG THE WEST LINE OF SAID PARCEL 9, A DISTANCE OF 75.39 FEET TO A CORNER ON SAID WEST LINE OF PARCEL 9; THENCE SOUTH 15°03'34" EAST CONTINUING ALONG SAID WEST LINE OF PARCEL 9, A DISTANCE OF 198.87 FEET TO A CORNER ON SAID WEST LINE OF PARCEL 9; THENCE SOUTH 74°07'17" WEST ALONG SAID WEST LINE OF PARCEL 9 AND ALONG THE SOUTH LINE OF SAID PARCEL "C", 133.60 FEET TO A CORNER ON SAID SOUTH LINE OF PARCEL "C"; THENCE SOUTH 15°57'02" EAST ALONG SAID SOUTH LINE OF PARCEL "C", 1.98 FEET TO A CORNER ON SAID SOUTH LINE OF PARCEL "C"; THENCE SOUTH 74°02'58" WEST CONTINUING ALONG SAID SOUTH LINE OF PARCEL "C" AND ALONG THE NORTHERLY LINE OF PARCEL 5 OF SAID ACQUISITION PLAT RECORDED IN BOOK 12642, PAGE 892 - 893, A DISTANCE OF 32.99 FEET TO A CORNER ON SAID NORTHERLY LINE OF PARCEL 5; THENCE NORTH 15°52'43" WEST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 5, A DISTANCE OF 2.02 FEET TO A CORNER ON SAID NORTHERLY LINE OF PARCEL 5; THENCE SOUTH 74°07'17" WEST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 5 AND ALONG THE SOUTHERLY LINE OF SAID PARCEL "D" AND ALONG THE NORTHERLY LINE OF PARCEL 6 OF SAID ACQUISITION PLAT RECORDED IN BOOK 12642, PAGE 892 - 893, A DISTANCE OF 287.56 FEET TO A CORNER ON SAID NORTHERLY LINE OF PARCEL 6; THENCE SOUTH 15°48'02" EAST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 6, A DISTANCE OF 2.38 FEET TO A CORNER ON SAID NORTHERLY LINE OF PARCEL 6; THENCE SOUTH 74°02'58" WEST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 6 AND ALONG THE SOUTHERLY LINE OF SAID PARCEL "E", 33.00 FEET TO A CORNER ON SAID SOUTHERLY LINE OF PARCEL "E"; THENCE NORTH 15°58'22" WEST CONTINUING

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ALONG SAID SOUTHERLY LINE OF PARCEL "E", 2.00 FEET TO A CORNER ON SAID SOUTHERLY LINE OF PARCEL "E"; THENCE SOUTH 74°02'58" WEST CONTINUING ALONG SAID SOUTHERLY LINE OF PARCEL "E" AND ALONG THE NORTHERLY LINE OF SAID PARCEL 7, A DISTANCE OF 165.18 FEET TO A CORNER ON SAID NORTHERLY LINE OF PARCEL 7; THENCE NORTH 0°00'01" WEST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 7, A DISTANCE OF 0.65 FEET TO A CORNER ON SAID NORTHERLY LINE OF PARCEL 7; THENCE SOUTH 74°07'17" WEST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 7, A DISTANCE OF 30.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.93 ACRES (214,861 S.F.).

- B. The subsurface portions of the street and alley rights-of-way within Areas "1" through "6" as shown by that Corrected Easement Plat signed by Dave L. Joens, PLS, on January 9, 2009, and recorded in the office of the Recorder of Polk County, Iowa, on \_\_\_\_\_, 2009, in Book \_\_\_\_\_, at Page \_\_\_\_\_, and described below:

**AREA "1":**

A PART OF HIGH STREET RIGHT-OF-WAY AND A PART OF LOT 2 IN SMITH'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT AND A PART OF LOTS 28 AND 29 IN THE OFFICIAL PLAT OF THE SW 1/4 OF LOT 6 AND ALL OF LOT 7 ROSE'S ADDITION, AN OFFICIAL PLAT, AND A PART OF 11TH STREET RIGHT-OF-WAY ALL IN THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE NORTH 34°03'39" EAST, 13.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 34°03'39" EAST, 6.28 FEET; THENCE NORTH 83°10'52" EAST, 270.92 FEET; THENCE SOUTH 15°57'00" EAST, 245.23 FEET; THENCE SOUTH 74°10'40" WEST, 4.75 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 11TH STREET; THENCE NORTH 15°27'41" WEST ALONG SAID WEST RIGHT-OF-WAY LINE AND ALONG SAID WEST RIGHT-OF-WAY LINE EXTENDED NORTHERLY, 240.85 FEET; THENCE SOUTH 83°10'52" WEST, 273.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 2194 SQUARE FEET.

**AREA "2":**

A PART OF THE NORTH TO SOUTH ALLEY IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 271.17 FEET; THENCE NORTH 74°10'40" EAST, 132.60 FEET TO A POINT ON THE WEST LINE OF SAID ALLEY AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°10'40" EAST, 16.50 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY; THENCE SOUTH 15°19'10" EAST ALONG SAID EAST LINE, 5.00 FEET; THENCE SOUTH 74°10'40" WEST, 16.50 FEET TO A POINT ON SAID WEST LINE OF

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ALLEY; THENCE NORTH 15°19'10" WEST ALONG SAID WEST LINE, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 83 SQUARE FEET.

**AREA "3":**

A PART OF 12TH STREET RIGHT-OF-WAY LYING ADJACENT TO LOT 4 IN WILLIAMS AND SLY'S SUBDIVISION, AN OFFICIAL PLAT, AND LYING ADJACENT TO LOT 5, BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, AND A PART OF HIGH STREET RIGHT-OF-WAY LYING NORTH OF SAID LOT 4 ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 61.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°45'24" WEST, 2.26 FEET; THENCE NORTH 74°03'00" EAST, 7.60 FEET; THENCE SOUTH 34°03'39" WEST, 4.24 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 276.17 FEET; THENCE SOUTH 74°10'40" WEST, 1.00 FEET; THENCE NORTH 15°45'24" WEST, 276.60 FEET TO THE POINT OF BEGINNING AND CONTAINING 756 SQUARE FEET.

**AREA "4":**

A PART OF GRAND AVENUE RIGHT-OF-WAY LYING ADJACENT TO LOTS 47, 48 AND 49 AND A PART OF THE NORTH TO SOUTH ALLEY LYING ADJACENT TO LOTS 47 AND 48 ALL IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 46 IN SAID FOURTEENTH STREET PLACE; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE, 108.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°07'17" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 24.07 FEET TO THE SOUTHEAST CORNER OF SAID LOT 47; THENCE NORTH 15°12'18" WEST ALONG THE EAST LINE OF SAID LOT 47, A DISTANCE OF 2.01 FEET; THENCE NORTH 74°02'58" EAST, 10.90 FEET; THENCE NORTH 15°57'02" WEST, 1.98 FEET; THENCE NORTH 74°07'17" EAST, 5.62 FEET TO A POINT ON THE WEST LINE OF SAID LOT 48; THENCE SOUTH 15°12'18" EAST ALONG SAID WEST LINE, 4.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 48 AND A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 74°07'17" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 119.43; THENCE SOUTH 15°52'43" EAST, 2.30 FEET; THENCE SOUTH 74°07'17" WEST, 160.00 FEET; THENCE NORTH 15°52'43" WEST, 2.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 412 S.F.

**AREA "5":**

A PART OF GRAND AVENUE RIGHT-OF-WAY LYING ADJACENT TO LOTS 28, 30 AND 31 AND A PART OF THE NORTH TO SOUTH ALLEY ALL IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, AND A PART OF LOT 3 IN CASCADE PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 28; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 25.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°07'17" EAST ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID LOTS 30 AND 31, A DISTANCE OF 165.47 FEET TO THE

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12/19/2009 O.P.S.

SOUTHEAST CORNER OF SAID LOT 31; THENCE NORTH 15°12'18" WEST ALONG THE EAST LINE OF SAID LOT 31, A DISTANCE OF 3.57 FEET; THENCE NORTH 74°02'58" EAST, 4.83 FEET; THENCE SOUTH 15°58'22" EAST, 2.00 FEET; THENCE NORTH 74°02'58" EAST, 11.65 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE SOUTH 15°12'18" EAST ALONG SAID WEST LINE, 1.59 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE; THENCE NORTH 74°07'17" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 23.34 FEET; THENCE SOUTH 15°52'43" EAST, 2.70 FEET; THENCE SOUTH 74°07'17" WEST, 205.31 FEET; THENCE NORTH 15°52'43" WEST, 2.70 FEET TO THE POINT OF BEGINNING AND CONTAINING 590 SQUARE FEET.

**AREA "6"**

A PART OF HIGH STREET RIGHT-OF-WAY IN THE SOUTHWEST 1/4 OF SECTION 4 TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 89° (DEGREES) 40' (MINUTES) 24" (SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 43, A DISTANCE OF 67.79 FEET; THENCE NORTH 6°49'08" WEST, 4.99 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 83°10'52" WEST, 39.84 FEET TO A POINT ON THE NORTH LINE OF LOT 42 OF SAID FOURTEENTH STREET PLACE; THENCE NORTH 89°40'24" WEST ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF LOT 41 OF SAID FOURTEENTH STREET PLACE, 28.14 FEET; THENCE NORTH 83°10'52" EAST, 67.76 FEET; THENCE SOUTH 6°49'08" EAST, 3.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 188 SQUARE FEET.

- C. The subsurface portion of the 12th street right-of-way shown by that Easement Exhibit signed by Dave L. Joens, PLS, on February 4, 2009, and recorded in the office of the Recorder of Polk County, Iowa, on \_\_\_\_\_, 2009, in Book \_\_\_\_\_, at Page \_\_\_\_\_, and described below:

A PART OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT AND A PART OF 12TH STREET RIGHT-OF-WAY LYING ADJACENT TO SAID LOT 43 AND LOT 4 OF WILLIAMS AND SLY'S SUBDIVISION, BEING AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 43; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE EXTENDED NORTHERLY AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 12TH STREET, 37.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°03'34" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 4.00 FEET; THENCE SOUTH 74°02'52" WEST, 72.02 FEET TO A POINT ON THE FUTURE WESTERLY RIGHT-OF-WAY LINE OF SAID 12TH STREET; THENCE NORTH 18°47'39" WEST ALONG SAID FUTURE WESTERLY RIGHT-OF-WAY LINE, 4.00 FEET; THENCE NORTH 74°02'52" EAST, 72.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (289 S.F.).

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*[Signature]*  
02/09/2009

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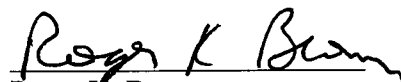
ORDINANCE NO. \_\_\_\_\_

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Sec. 2. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

C:\Rog\Eco Dev\Wellmark\Admin\Closing\Ordinance - Vacate.doc

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